

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GEORGE W. GIBBS,

Petitioner,

vs.

ROBERT LeGRAND, *et al.*,

Respondents.

Case No. 2:11-cv-00750-KJD-CWH

ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner represented by counsel.

By order filed July 23, 2012, this Court granted respondents' motion and dismissed this action with prejudice as untimely. (ECF No. 47). Judgment was entered on July 24, 2012. (ECF No. 48). Petitioner appealed. (ECF No. 49). On September 17, 2014, the United States Court of Appeals for the Ninth Circuit filed a memorandum opinion reversing this Court's dismissal of the action. (ECF No. 57). The Court of Appeals reversed this Court's order dismissing the petition as untimely, and remanded for consideration of the petition on the merits. (*Id.*). The Court of Appeals issued its mandate on April 2, 2015. (ECF No. 60). Respondents are now required to file an answer addressing the merits of all grounds of the amended petition. Thereafter, petitioner shall file a reply to the answer.

1 **IT IS THEREFORE ORDERED** that respondents **SHALL FILE AND SERVE AN**
2 **ANSWER** to the amended petition within **forty-five (45) days** from the date of entry of this order.
3 The answer shall include substantive arguments on the merits as to each ground of the amended
4 petition. In filing the answer, respondents shall comply with the requirements of Rule 5 of the
5 Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254 regarding
6 providing relevant transcripts and the state court record. To the extent that respondents may seek to
7 raise procedural defenses to any grounds of the amended petition, such arguments shall be included
8 in the answer. **No further motions to dismiss will be entertained in this case.**

9 **IT IS FURTHER ORDERED** that petitioner **SHALL FILE AND SERVE A REPLY** to
10 the answer, within **forty-five (45) days** after being served with the answer.

11 **IT IS FURTHER ORDERED** that the parties **SHALL PROVIDE** courtesy copies of all
12 exhibits previously filed with the Court in this action, even if courtesy copies of such exhibits were
13 previously provided to the Court. The hard copy of all exhibits shall be forwarded, for this case, to
14 the staff attorneys in **Reno, Nevada** and shall be submitted not later than when the answer and reply
15 are filed.

16 **IT IS FURTHER ORDERED** that any further exhibits filed by the parties shall be filed
17 with a separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
18 attachments that are filed shall be identified by the number or numbers (or letter or letters) of the
19 exhibits in the attachment. The hard copy of all exhibits shall be forwarded, for this case, to the
20 staff attorneys in **Reno, Nevada**.

21 Dated this 10 day of April, 2015.

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24 UNITED STATES DISTRICT JUDGE